

In the United States District Court
for the Southern District of Texas,
Houston Division

Mark Flora,

Plaintiff,

v.

Transocean Drilling (USA),
Inc., et al,

Defendants.

Civil Action No:
4:19-cv-02328
Jury Requested

**Joint Motion for Continuance and Amended
Rule 16 Scheduling Order**

To the Honorable Judge David Hittner:

Plaintiff, Mark Flora, and Defendants, Grand Isle Shipyard, LLC, Gulf Logistics Operating, Inc.; Gulf Logistics, LLC, and LLOG Exploration Offshore, LLC (erroneously named as LLOG Holdings, LLC); file this Joint Motion for Continuance and Amended Rule 16 Scheduling Order and would respectfully show as follows:

On July 2, 2020, this Court entered the Amended Rule 16 Scheduling Order. *See* ECF No. 36. In that order, the discovery deadline was set as September 30, 2020, and the motion cutoff date as October 30, 2020. *Id.* This matter was continued once before as a result of the addition of another party-defendant.

The Parties requested earlier extensions from the Court in order to avoid a continuance. However, continued delays flowing from the pandemic and multiple Gulf Coast storms have delayed completion of remaining but necessary discovery, including depositions of Defendants' corporate representatives, Plaintiff's treating medical providers (who are located in Texas and Louisiana), Plaintiff and Defendants' retained experts, and any motion practice resulting from same. Trial is currently set for the February 2021 trial term and the parties assert that additional time is needed to prepare the case for trial. *Id.*

The Parties have also agreed to mediate this matter with Robins Brice for the middle to end of December 2020, due to existing scheduling conflicts. The Parties would like to attempt mediation before incurring additional fees taking the depositions of corporate representatives, Plaintiff's treating medical providers, Plaintiff and Defendants' expert witnesses and motion practice.

This is the second continuance and third Amended Docket Control Order requested by the Parties, who have met and conferred and propose the following deadlines and new trial term:

- **April 2, 2021:** DISCOVERY shall be completed by this date.
- **May 3, 2021:** MOTION CUT-OFF. No motion, including motions to exclude or limit expert testimony under Fed. R. Evid. 702, shall be filed after this date except for good cause shown. See LR 7.
- **June 30, 2021:** The JOINT PRETRIAL ORDER shall be filed on or before this date notwithstanding that a motion for continuance may be pending. Parties shall exchange all trial exhibits on or before this date notwithstanding that a motion for continuance may be pending. NO LATE EXCHANGES OF EXHIBITS WILL BE PERMITTED. All motions in limine shall be submitted with the pretrial order. Failure to file timely a joint pretrial order, motions in limine, or exchange all trial exhibits may result in this case being dismissed or other sanctions imposed, in accordance with all applicable rules.
- **August 2021:** TRIAL TERM. Cases will be set for trial at a docket call, conducted prior to the trial term or by order of the Court. Your position on the docket will be announced at that time.

Prayer

The Parties ask this Court to continue the trial to the August 2021 trial term, to enter an amended Rule 16 Scheduling Order based on that date, and to grant any further relief, either in equity or at law, to which they are justly entitled to receive. This Continuance is not sought for the purposes of delay, but only so that justice may be done.

Respectfully submitted,

MORROW & SHEPPARD LLP

/s/ Daniel E. Sheppard

John D. Sheppard
State Bar No. 24051331
Federal I.D. 635193
Daniel E. Sheppard
State Bar No. 24103929
Federal I.D. 3120079
msfiling@morrowsheppard.com
jsheppard@morrowsheppard.com
3701 Kirby Dr., Suite 1000
Houston, Texas 77098
Telephone: (713) 489-1206
Facsimile: (713) 893-8370

*Attorney for Plaintiff
Mark Flora*

BROWN SIMS, P.C.

/s/ Michael D. Williams

Michael D. Williams
State Bar No. 21564330
Federal I.D. 6982
mwilliams@brownsims.com
John G. H. Davis
State Bar No. 24012507
jdavis@brownsims.com
Melanie G. Fordyce
State Bar No. 24206702
Federal I.D. No. 1179595
mfordyce@brownsims.com
1177 West Loop South, 10th Floor
Houston, Texas 77027
Telephone: (713) 629-1580
Facsimile: (713) 629-5027

*Attorneys for Defendant,
Grand Isle Shipyard, LLC*

ALLEN & GOOCH A LAW
CORPORATION

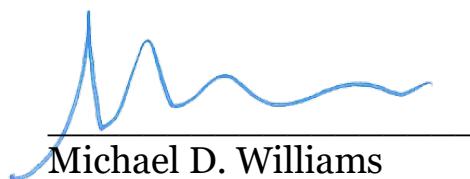
/s/ Alan J. Meche

Alan J. Meche
State Bar No. 24025530
AlanMeche@AllenGooch.com
Randy Theunissen
State Bar No. 00795174
RandyTheunissen@AllenGooch.com
P. O. Box 81129
Lafayette, Louisiana 70598-1129
Telephone: (337) 291-1480
Facsimile: (337) 291-1485

*Attorneys for Defendants,
Gulf Logistics Operating, Inc. and
Gulf Logistics, LLC and Defendant,
LLOG Exploration Offshore, LLC
(erroneously named as LLOG
Holdings, LLC)*

Certificate of Service

I hereby certify that on October 29, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF filing system. Notice of this filing will be sent to counsel for all parties by operation of the Court's electronic filing system and facsimile.



Michael D. Williams